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THE HONORABLE TIMOTHY W. DORE

Hearing Date: April 23, 2021

Hearing Time: 9:30 a.m.

Location: Telephonic

Response Date: April 21, 2021

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**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re:

CHAPTER 7

KIMBERLY JO LINEBARGER,

NO. 11-24753

Debtor.

NOTICE OF HEARING AND MOTION TO
AVOID JUDICIAL LIEN OF RIVER
RIDGE TOWNHOMES ASSOCIATION

PLEASE NOTE that the debtor's Motion to Avoid Judicial Lien of River Ridge
Townhomes Association IS SET FOR HEARING as follows:

JUDGE:	TIMOTHY W. DORE	DATE:	APRIL 23, 2021
LOCATION:	TELEPHONIC	TIME:	9:30 A.M.
	Dial: 1-888-363-4749		
	Enter Access Code:		
	2762430#		
	Press the # sign		
	Enter Security Code when		
	prompted: 5334#		
	Speak your name when		
	prompted		

IF YOU OPPOSE the Motion, you must file your written response with the Clerk of the
Court, serve two copies on the judge's chambers, and deliver copies on the undersigned and the
debtor NO LATER THAN THE RESPONSE DATE, which is April 21, 2021.

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IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,
GRANT THE MOTION PRIOR TO THE HEARING, WITHOUT FURTHER NOTICE, and strike
the hearing.

MOTION

COMES NOW THE DEBTOR, by and through her attorney of record, Dorothy A.
Bartholomew, and moves this Court for an Order Avoiding the Judicial Lien of Ridge Ridge
Townhomes Association, pursuant to 11 U.S.C. § 522(f). In Support of this motion, the
undersigned attorney pleads as follows:

1. The debtor petitioned for relief under Chapter 7 of the Bankruptcy Code on
December 23, 2011.
2. Ridge Ridge Townhomes Association is a creditor in the case.
3. At the time of filing, Ridge Ridge Townhomes Association had obtained a
judgment, which attached as a lien on the debtor's residence.
4. The debtor may avoid a judicial lien on her residence to the extent that the lien
impairs her homestead exemption. See 11 U.S.C. § 522(f)(1)(A); *In re Hanger*,
217 B.R. 592 (9th Cir. 1997).
5. A lien impairs the homestead exemption to the extent that of the sum of the lien,
all other liens on the property, and the amount of the homestead exemption,
exceed the value that the debtor's interest in the property would have in the

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absence of any liens. *See* 11 U.S.C. § 522(f)(1)(A); *Hanger*, 217 B.R. 592.

6. The lien of Ridge Ridge Townhomes Association impairs the debtor's homestead exemption to its full extent

A. At the time of filing, the debtor owned a residence, located at 31900 104th Avenue SE, #B-103, Auburn, WA 98092. The debtor listed the value of the residence on Schedule A at \$80,000.00. Exhibit A, Schedule A.

B. At the time of filing, the home was encumbered by Chase Home Finance, first position deed of trust in the amount of \$146,762.12 and Emerald Pointe HOA dues in the amount of \$290.63. The total value of all encumbrances is \$147,052.75. Exhibit B, Schedule D.

C. Pursuant to 11 U.S.C. § 522 (d) (1), was allowed to exempt up to \$21,625.00 equity in the real property.

D. The total of all encumbrances (\$147,052.75) and Ridge Ridge Townhomes Association's lien (\$7,995.86) and the exemption allowed (\$21,625.00) is \$176,673.61. Exhibit C, Schedule C, page 1 and Records of King County. (See also Schedules A and D).

E. The value of the property at the time of filing was \$80,000.00; therefore the sum of all liens and the homestead exemption exceed the value that the debtor's interest would have in the property, in the absence of the liens, by \$96,673.61.

F. The lien impairs the exemption to its full extent.

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WHEREAS the lien created by Ridge Ridge Townhomes Association's judgment impairs the debtor's homestead exemption to its full extent, the debtor prays for an Order Avoiding Judicial Lien of Ridge Ridge Townhomes Association as described herein above pursuant to 11 USC § 522(f). The debtor further requests that the Court issue an Order that Ridge Ridge Townhomes Association's claim is unsecured.

DATED: April 6, 2021

/s/Dorothy A. Bartholomew
Dorothy A. Bartholomew
WSBA No. 20887
Attorney for Kimberly Jo Linebarger

DECLARATION OF DEBTOR

I, Kimberly Jo Linebarger, swear under penalty of perjury that I am over 18 years of age, am competent to testify in the above matter, have personal knowledge of the above facts, and that the above facts are true and accurate to the best of my knowledge.

DATED: April 6, 2021

Signed: /s/ Kimberly Jo Linebarger
Kimberly Jo Linebarger